

FILED
KENNETH J. MURPHY
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

CIVIL ACTION NO. C-1-00-869

MARK R. HOOP and
LISA J. HOOP

PLAINTIFFS/
COUNTERCLAIM DEFENDANTS

V.

VERIFIED MOTION FOR ORDER HOLDING
PLAINTIFFS/COUNTERCLAIM DEFENDANTS IN CONTEMPT

JEFFREY W. HOOP, STEPHEN E. HOOP, and
HOOPSTERS ACCESSORIES, INC.

DEFENDANTS/
COUNTERCLAIM PLAINTIFFS

Defendants/Counterclaim Plaintiffs, Jeffrey W. Hoop, Stephen E. Hoop ("Stephen"), and Hoopsters Accessories, Inc. (collectively "Defendants"), by counsel, move the Court for an Order holding Plaintiffs/Counterclaim Defendants, Mark R. Hoop and Lisa J. Hoop (collectively "Plaintiffs"), in contempt of this Court. As grounds for this Motion, Defendants state that:

1. Pursuant to this Court's Order Granting Defendant's Motion for a Preliminary Injunction which was entered on February 28, 2001 (see Exhibit No. 1); affirmed by this Court in its Order, which was entered on March 2, 2001, and denied Plaintiffs' Motion for a Stay (see Exhibit No. 2); and affirmed by the Court of Appeals in an Order, which was entered on January 30, 2002 (see Exhibit No. 3), wherein the Court ordered that Plaintiffs, "together with their agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from (1) making; (2) using; (3) selling; (4) offering for sale; or (5) participating in the making, using, selling, or offering for sale; any motorcycle fairing guard setting forth

or otherwise containing the design claimed in United States Design Patent No. 428,831 or any reasonably equivalents.”

2. On September 2, 2003, Stephen purchased a pair of eagle fairing guards, which had been manufactured, packaged, and distributed by Plaintiffs, from Daytona Harley-Davidson at 290 North Beach Street in Daytona Beach, Florida.
3. A copy of Stephen's Invoice and Receipt, marked Exhibits A and B, are attached hereto.
4. Color copies of photographs of the packaging, eagle fairing guards, and enclosures, marked Exhibit C, are attached hereto.
5. Plaintiffs violated the terms of this Court's Order.

WHEREFORE, Defendants, by counsel, respectfully request the Court for an Order holding Plaintiffs in contempt of this Court.

STELLA B. HOUSE,
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By: Stella B. House
Stella B. House, J.D.
Co-Counsel for Defendants/
Counterclaim Plaintiffs
Kentucky Bar No. 81805

VERIFICATION

I certify that the foregoing allegations are true to the best of my knowledge and belief.

Step E. Hoop
STEPHEN E. HOOP

COMMONWEALTH OF KENTUCKY

COUNTY OF CLAY

Subscribed and sworn to before me by Stephen E. Hoop on October 4, 2003.

My Commission Expires: 09/13/05

Emily E. Bishop-Smith
NOTARY PUBLIC, STATE AT LARGE

NOTICE

The foregoing Verified Motion for Order Holding Plaintiffs/Counterclaim Defendants in Contempt will be heard at the convenience of this Honorable Court.

STELLA B. HOUSE
ATTORNEY AT LAW, P.S.C.

By: Stella B. House, Jr.
Stella B. House, J.D.
Co-Counsel for Defendants/
Counterclaim Plaintiffs

CERTIFICATE OF SERVICE

I certify that an accurate copy of the Verified Motion for Order Holding Plaintiffs/Counterclaim Defendants in Contempt was mailed to Alfred J. Mangels, Esq., Co-Counsel for Plaintiffs/Counterclaim Defendants, 4729 Cornell Road, Cincinnati, Ohio 45241, and Timothy A. Magee, Esq., Co-Counsel for Plaintiffs/Counterclaim Defendants, 130 Sherman Drive, Findlay, Ohio 45840, by United States mail, postage prepaid, on October 6, 2003.

STELLA B. HOUSE
ATTORNEY AT LAW, P.S.C.

By: Stella B. House, Jr.
Stella B. House, J.D.
Co-Counsel for Defendants/
Counterclaim Plaintiffs